

Becker



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Shapiro & Associates

File: B-270573

Date: December 14, 1995

DECISION

Shapiro & Associates protests the exclusion of its proposal from the competitive range under solicitation No. TDA-96-Q-002, issued by the U.S. Trade and Development Agency (TDA).

We dismiss the protest.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556. Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Mgmt. Servs., Inc.-Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299. To achieve this end, our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, Section 21.1(c)(4), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.1(c)(4)), and that the grounds stated be legally sufficient. Section 21.1(e), 60 Fed. Reg. supra (to be codified at 4 C.F.R. § 21.1(e)). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Robert Wall Edge-Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

Shapiro's position is that the elimination of its proposal from the competitive range was improper because TDA did not establish a realistic competitive range as a part of its procurement planning. This is not a valid basis of protest. An assertion that the agency did not engage in adequate procurement planning is not a valid basis for questioning the elimination of a proposal from the competitive range. Nor is it otherwise a valid basis for protest, since the propriety of a contract award hinges not on whether agency personnel have an inadequate understanding of the requirement, as Shapiro alleges is the case here, but on whether the award was consistent with the solicitation terms, laws and regulations.

In order to successfully challenge the elimination of a proposal from the competitive range, a protester must establish that the reasons for eliminating the proposal were not valid, that is, were inconsistent with the solicitation terms or applicable procurement laws or regulations. Shapiro does not take issue with any

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specifics of the evaluation, and nowhere alleges that the reasons for rejecting its proposal were inconsistent with the solicitation, laws or regulations.

The protest is dismissed.

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